

## Calendar No. 205

107TH CONGRESS } 1st Session }	SENATE	{ REPORT 107-96
-----------------------------------	--------	--------------------

### 21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

NOVEMBER 8, 2001.—Ordered to be printed

Mr. LEAHY, from the Committee on the Judiciary,  
submitted the following

### R E P O R T

[To accompany S. 1319]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to which was referred the bill (S. 1319) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, having considered the same, reports favorably thereon, with an amendment in the nature of a substitute, and recommends that the bill, as amended, do pass.

#### CONTENTS

	Page
I. Purpose and summary .....	1
II. Background and need for the legislation .....	3
III. Committee consideration .....	5
IV. Votes of the Committee .....	5
V. Section-by-section analysis and discussion .....	5
VI. Congressional Budget Office cost estimate .....	14
VII. Regulatory impact statement .....	18
VIII. Changes in existing law .....	18

#### I. PURPOSE AND SUMMARY

The 21st Century Department of Justice Appropriations Authorization Act, is a comprehensive authorization of the U.S. Department of Justice (“DOJ” or the “Department”). This bipartisan legislation, sponsored by Senator Patrick Leahy and Senator Orrin Hatch, contains four titles that authorize appropriations for the Department for fiscal year 2002, provide permanent enabling authorities that will allow the Department to efficiently carry out its mis-

sion, clarify and harmonize existing statutory authority, and repeal obsolete statutory authorities.

The bill builds on the bipartisan legislation introduced by Representative James Sensenbrenner and Representative John Conyers, Jr., the Chairman and Ranking Members of the House Judiciary Committee, H.R. 2215. The House Judiciary Committee agreed to H.R. 2215 without objection on June 28, 2001,<sup>1</sup> and it passed the House of Representatives by voice vote on July 23, 2001.<sup>2</sup>

Title I authorizes appropriations for the major components of the Department for fiscal year 2002. The authorization mirrors the President's request regarding the Department except in two areas. First, the bill increased the President's request for the DOJ Inspector General by \$10 million. This is necessary because the Committee is concerned about the severe downsizing of that Office and the need for oversight, particularly of the FBI, at the Department. Second, the bill authorizes at least \$10 million for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes and crimes identified in the No Electronic Theft (NET) Act (Public Law 105-147). The American copyright industry is the largest exporter of goods from the United States, employing more than 7 million Americans, and these additional funds are needed to strengthen the resources available to DOJ and the FBI to investigate and prosecute cyberpiracy.

In addition, title I authorizes \$9 million in fiscal year 2002 to add an additional Assistant U.S. Attorney in each of the 94 U.S. Attorney Offices to implement part of the administration's Project Safe Neighborhoods proposal to reduce school gun violence across the Nation. These prosecutors will assist in targeting juveniles who obtain weapons and commit violent crimes, as well as the adults who place firearms in the hands of juveniles.

Title II permanently establishes a clear set of authorities that the Department may rely on to use appropriated funds, including establishing permitted uses of appropriated funds by the Attorney General, the FBI, the Immigration and Naturalization Service, the Federal Prison System, and the Detention Trustee. Title II also establishes new reporting requirements which are intended to enhance congressional oversight of the Department, including new reporting requirements for information about the enforcement of existing laws, for information regarding the Office of Justice Programs (OJP), and the submission of other reports, required by existing law, to the House and Senate Judiciary Committees. Section 206(e) expands an existing reporting requirement regarding copyright infringement cases.

Title II also provides the Department with additional law enforcement tools in the war against terrorism. Section 201 permits the FBI to enter into cooperative projects with foreign countries to improve law enforcement or intelligence operations, and section 210 provides special "danger pay" allowances for FBI agents in hazardous duty locations outside the United States, as is provided for agents of the Drug Enforcement Administration.

Title III repeals outdated and open-ended statutes, requires the submission of an annual authorization bill to the House and Senate

<sup>1</sup> See House Report 107-125.

<sup>2</sup> See Congressional Record H4384-92.

Judiciary Committees, and provides States with flexibility to use existing Truth-In-Sentencing and Violent Offender Incarceration Grants to account for juveniles being housed in adult prison facilities. Title III requires the Department to submit to Congress studies on untested rape examination kits, and the allocation of funds, personnel, and workloads for each office of U.S. Attorney and each division of the Department.

In addition, title III provides new oversight and reporting requirements for the FBI and other activities conducted by the Justice Department. Specifically, section 308 codifies the Attorney General's order of July 11, 2001, which revised Department of Justice's regulations concerning the Inspector General. The section ensures that the Inspector General for the Department of Justice has the authority to decide whether a particular allegation of misconduct by Department of Justice personnel, including employees of the Federal Bureau of Investigation and the Drug Enforcement Administration, should be investigated by the Inspector General or by the internal affairs unit of the appropriate component of the Department of Justice.

Section 309 directs the Inspector General of the Department to appoint an official from the Inspector General's office to be responsible for supervising and coordinating independent oversight of programs and operations of the FBI until the end of the 2003 fiscal year. This section also requires the Inspector General of the Department to submit to Congress not later than 30 days after enactment of this act an oversight plan for the FBI. This section further requires the Attorney General to submit a report and recommendation to the House and Senate Committees on the Judiciary not later than 90 days after enactment of this act on whether there should be established a separate office of Inspector General for the FBI that shall be responsible for supervising independent oversight of programs and operations of the FBI.

Finally, title III authorizes eight new permanent judgeships as follows: five judgeships in the Southern District of California; two judgeships in the Western District of Texas; and one judgeship in the Western District of North Carolina. Section 312 would also convert two temporary judgeships in Illinois into permanent judgeships, create one new temporary judgeship in the Western District of North Carolina, and extend the temporary judgeships in the Northern District of Ohio for 5 years.

Title IV establishes a separate Violence Against Women Office (VAWO) within the Department. The VAWO is headed by a Director, who is appointed by the President and confirmed by the Senate. In addition, title IV enumerates duties and responsibilities of the Director, and authorizes appropriations to ensure the VAWO is adequately staffed.

The 21st Century Department of Justice Appropriations Authorization Act should result in a more effective, as well as efficient, Department of Justice for the American people.

## II. BACKGROUND AND NEED FOR THE LEGISLATION

Authorization is the process by which Congress creates, amends, and extends programs in response to national needs. Authorization is perhaps the most important oversight tool that a Committee can employ. Through authorization, legislative committees establish

management objectives and provide expertise and guidance to the Appropriations Committee. Once a Federal program has been authorized, the Appropriations Committee provides the actual budget authority, which allows Federal agencies to enter into obligations and spend the money that is appropriated. We have ceded the authorization power to the appropriators for too long. Our bipartisan legislation is an attempt to reaffirm the authorizing authority and responsibility of the House and Senate Judiciary Committees.

The last time Congress properly authorized spending the entire Department was in 1979.<sup>3</sup> Congress extended that authorization in 1980 and 1981. Since then, neither has Congress passed nor the President signed an authorization bill for the Department. There were, in fact, a number of years when Congress failed to consider any Department authorization bill due to either poor timing or the addition of controversial amendments to authorization bills. This 21-year failure to properly reauthorize the Department has forced the Appropriations Committees in both Houses to reauthorize and appropriate funds. This legislation will, for the first time in over 20 years, comprehensively authorize the Department and its various components.

In addition, the bill as passed by the Committee, contains language offered as an amendment by Senator Feinstein to authorize a number of new judgeships. The Committee believes that the need for these new judgeships is acute.

The Southern District of California, for example, is the most overworked, understaffed court in the country. The local judges have gone so far as to publicly warn Congress that if new judgeships aren't created, there is a "substantial risk of physical calamity." The Southern District of California had a weighted caseload of 978 cases per judgeship in calendar year 2000, the highest in the country, and more than double the national average. The Judicial Conference recommends that new judgeships be created when caseload figures reach less than half that level—430 cases per judge.

As a result of stepped-up enforcement, from March 1994 through March 1999, criminal case filings in Southwestern border courts increased by 125 percent (from 6,460 to 14,517), drug prosecutions in these same districts increased by 189 percent (from 2,864 to 5,414), and immigration prosecutions by 431 percent (from 1,056 to 5,614). Indeed, the Southern District of California has the heaviest criminal caseload in the Nation. The weighted average caseload is 468 cases per judge. This is more than 500 percent above the national average of 74 cases per judge.

Despite all these increased prosecutorial resources, Congress has not authorized any new judgeships for the Southern District of California since 1990. Thus, the eight judges who struggled to handle 1,200 felony cases in 1994, handled 3,900 in 1999. Last year, the Southern District of California was the only border district that did not receive a single new judge—despite having the highest caseload.

On July 11 of this year, all 12 judges of the Court (eight active and four on senior status) wrote to Congress appealing for help. The letter stated, "We, each and every U.S. District Judge of the

<sup>3</sup>Department of Justice Appropriations Authorization Act, fiscal year 1980, Public Law 96-132, 93 stat. 1040 (Nov. 30, 1979).

Southern District of California, write to advise you of circumstances confronting our bench which (1) imperil the administration of justice and (2) create a substantial risk of serious physical calamity in our courtrooms.”

The Committee believes that the new judgeships authorized by this legislation are not only advisable, but necessary.

### III. COMMITTEE CONSIDERATION

On Thursday, October 18, 2001, the full Committee met in open session and ordered favorably reported the bill S. 1319, with an amendment in the nature of a substitute sponsored by Senators Leahy and Hatch, as amended, by a voice vote, a quorum being present.

### IV. VOTES OF THE COMMITTEE

First, Senator Biden and Senator Specter offered an amendment to establish a permanent and separate Violence Against Women Office to implement the Violence Against Women Acts of 1994 and 2000. The Office would be headed by a director appointed by the President with the advice and consent of the Senate. The amendment was agreed to by unanimous voice vote.

Second, Senator Feinstein offered an amendment that would authorize eight new permanent judgeships to be located as follows: five judgeships in the Southern District of California, two judgeships in the Western District of Texas, and one judgeship in the Western District of North Carolina. In addition, the amendment would convert two temporary judgeships in Illinois into permanent judgeships, create one new temporary judgeship in the Western District of North Carolina, and extend the temporary judgeship in the Northern District of Ohio by 5 years. The amendment was agreed to by unanimous voice vote.

### V. SECTION-BY-SECTION ANALYSIS AND DISCUSSION

#### *Section 1.—Short title and table of contents*

Section 1 provides that the short title of the Act shall be the 21st Century Department of Justice Appropriations Authorization Act. It also contains a table of contents.

#### TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

#### *Section 101.—Specific sums authorized to be appropriated*

Section 101 authorizes appropriations to carry out the work of the various components of the Department of Justice for fiscal year 2002. The structure of title I mirrors the organization of the annual Commerce-Justice-State (CJS) appropriations bill and the President’s budget request. The bill authorizes the appropriations of amounts requested by the President in most accounts. The accounts, and the activities and components that each would fund, are as follows:

*General Administration*—\$93,433,000.—For the leadership offices of the Department (including the offices of the Attorney General and Deputy Attorney General) and the Justice Management Division, Executive Support Program, Intelligence Policy, Office of Professional Responsibility, and General Administration.

*Administrative Review and Appeals*—\$178,499,000.—For the Executive Office for Immigration Review and the Office of the Pardon Attorney.

*Office of Inspector General*—\$55,000,000.—For the investigation of allegations of violations of criminal and civil statutes, regulations, and ethical standards by Department employees, and for the new position of Deputy Inspector General to oversee the Federal Bureau of Investigation. This amount is \$10 million above the President's request. The IG's Office has been severely downsized over the last several years from approximately 460 to 360 full-time equivalents. Oversight is a priority and this level of funding should get the IG back on the path of meeting the audit and oversight needs of the Department. The Committee expects that the OIG will substantially increase its oversight of the FBI, INS, and the Department's grant programs.

*General Legal Activities*—\$566,822,000.—For the conduct of the legal activities of the Department. This includes the Office of Solicitor General, Tax Division, Criminal Division, Civil Division, Environment and Natural Resources Division, Civil Rights Division, Office of Legal Counsel, Interpol, Legal Activities Office Automation, and Office of Dispute Resolution. The authorization includes not less than \$4,000,000 to augment the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals and not less than \$10,000,000 to augment the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes and crimes identified in the No Electronic Theft (NET) Act (Public Law 105-147).

*Antitrust Division*—\$140,973,000.—For decreasing anticompetitive behavior among U.S. businesses and increasing the competitiveness of the national and international business environment.

*United States Attorneys*—\$1,346,289,000.—For the 93 U.S. Attorneys and their offices and the Executive Office of U.S. Attorneys. The U.S. Attorneys represent the United States in the vast majority of criminal and civil cases handled by the Justice Department.

*Federal Bureau of Investigation*—\$3,507,109,000.—For the detection, investigation, and prosecution of crimes against the United States. The FBI is also authorized by Executive Order to protect against foreign intelligence and international terrorist activities and, in certain circumstances, to collect foreign intelligence.

*United States Marshals Service*—\$626,439,000.—To protect the Federal courts and its personnel and to ensure the effective operation of the Federal judicial system, of which no more than \$6,621,000 may be used for construction.

*Federal Prison System*—\$4,662,710,000.—For the administration, operation, and maintenance of Federal penal and correctional institutions.

*Federal Prison Detention*—\$724,682,000.—For the support of U.S. prisoners in non-Federal institutions, as authorized by 18 U.S.C. § 4013(a).

*Drug Enforcement Agency*—\$1,480,929,000.—To enforce the controlled substance laws and regulations of the United States and to recommend and support nonenforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

*Immigration and Naturalization Service*—\$3,516,411,000.—For the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, of which no more than \$2,737,341,000 for salaries and expenses and border affairs, no more than \$650,660,000 for salaries and expenses of citizenship and benefits, and no more than \$128,410,000 for construction.

*Fees and Expenses of Witnesses*—\$156,145,000.—For fees and expenses associated with providing witness testimony on behalf of the United States, expert witnesses, and private counsel for Government employees who have been sued, charged, or subpoenaed for actions taken while performing their official duties.

*Interagency Crime and Drug Enforcement*—\$338,106,000.—For the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking.

*Foreign Claims Settlement Commission*—\$1,130,000.—To adjudicate claims of U.S. nationals against foreign governments under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation.

*Community Relations Service (CRS)*—\$9,269,000.—To assist communities in preventing violence and resolving conflicts arising from racial and ethnic tensions and to develop the capacity of such communities to address these conflicts without external assistance. CRS activities are conducted in accordance with title X of the Civil Rights Act of 1964.

*Assets Forfeiture Fund*—\$22,949,000.—To provide a stable source of resources to cover the costs of the asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertizing, forfeiting, and disposing of property.

*United States Parole Commission*—\$10,862,000.—For the activities of the U.S. Parole Commission. The Commission has jurisdiction over all Federal prisoners eligible for parole, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole.

*Federal Detention Trustee*—\$1,718,000.—For necessary expenses to exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the U.S. Marshall Service; and the detention of aliens in the custody of the Immigration and Naturalization Service.

*Joint Automated Booking System*—\$15,957,000.—For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data.

*Narrowband Communications*—\$104,606,000.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems.

*Counterterrorism Fund*—\$4,989,000.—For the reimbursement of: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities.

*Office of Justice Programs*—\$116,369,000.—For necessary administrative expenses of the Office of Justice Programs.

*Section 102.—Appointment of additional Assistant United States Attorneys and reduction of certain litigation positions*

This section authorizes the Attorney General to transfer 200 additional Assistant U.S. Attorneys from among the six litigating divisions at the Justice Department's headquarters (Main Justice) in Washington, DC, to the various U.S. Attorneys offices around the country. Vacant positions resulting from transfers pursuant to this section will be terminated. This section is intended to raise the productivity of Washington-based lawyers, who litigate criminal and civil cases across the nation for the Justice Department, by moving them to the field. Litigating attorneys for the Government are most effective in the Federal judicial district where their cases are pending. The transfer authorization is discretionary to prevent ongoing litigation from being adversely effected.

*Section 103.—Authorization of additional Assistant United States Attorneys for Project Safe Neighborhoods*

This section authorizes an additional Assistant United States Attorney in each of the 94 U.S. Attorney Offices to implement part of the Administration's Project Safe Neighborhoods proposal to reduce school gun violence across the Nation. These prosecutors will assist in targeting juveniles who obtain weapons and commit violent crimes, as well as the adults who place firearms in the hands of juveniles.

TITLE II—PERMANENT ENABLING PROVISIONS

*Section 201.—Permanent authority*

Section 201 amends chapter 31 of title 28, United States Code, by creating a new section, "530C". This section details permitted uses of available funds by the Attorney General to carry out the activities of the Justice Department. General permitted uses of available funds include:

- payment for motor vehicles, boats, and aircraft;
- payment for service of experts and consultants, and payment for private counsel;
- payment for official reception and representation expenses and public tours;
- payment of unforeseen emergencies of a confidential character;
- payment of miscellaneous and emergency expenses;
- payment of certain travel and attendance expenses;
- payment of contracts for personal services abroad;
- payment of interpreters and translators;
- payment for uniforms;
- payment for primary and secondary schooling of dependents of personnel stationed overseas; and
- payment for rewards;

Specific permitted uses of available funds include:

- payment for aircraft and boats;
- payment for ammunition, firearms, and firearm competitions; and
- payment for construction of certain facilities.

The use of funds appropriated for Fees and Expenses of Witnesses is limited to certain expenses and the construction of witness safesites. The use of funds appropriated for the Federal Bureau of Investigation is limited to the detection, investigation, and prosecution of crimes against the United States. The use of funds appropriated for the Immigration and Naturalization Service is limited to general Immigration and Naturalization Service activities. The use of appropriated funds for the Federal Prison System is limited to general function of the Federal Prison System. The use of appropriated funds for the Detention Trustee is limited to the functions authorized by law relating the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the U.S. Marshals Service and for the detention of aliens in the custody of the INS.

The Attorney General is prohibited from compensating employed attorneys who are not duly licensed and authorized to practice under the law of a State, U.S. territory, or the District of Columbia. And reimbursement payments to governmental units of the Department of Justice, other Federal entities, or State or local governments are limited to uses permitted by the authority permitting such reimbursement payment.

The section also permits the FBI to enter into cooperative projects with foreign countries to improve law enforcement or intelligence operations and to charge a fee for training of railroad police officers. In addition, the section authorizes the Attorney General to seek reimbursement of warranty work performed at Department of Justice facilities. The administration requested these provisions in its budget submission for fiscal year 2002.

*Section 202.—Permanent authority relating to the enforcement of laws*

Section 202 amends chapter 31 of title 28, United States Code, by creating a new section, “530D” relating to reporting on the enforcement of laws. This section directs the Attorney General to report to Congress in any case in which the Attorney General, the President, head of executive agency, or military department:

- (1) establishes a policy to refrain from enforcing any provision of a Federal statute, rule regulation, program, policy, or other law within the responsibility of the Attorney General;
- (2) refrains from adhering to, enforcing, applying, or complying with any other judicial determination or other statute, rule, regulation, program, or policy within the responsibility of the Attorney General;
- (3) decides to contest in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law;
- (4) refrains from defending or asserting, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law, or not to appeal or request review of any judicial, administrative, or other determination adversely affecting the constitutionality of such provision when the constitutionality of the provision is challenged; or
- (5) when the Attorney General approves the settlement or compromise of any claim, suit or other action against the

United States for more than \$2,000,000 (excluding prejudgment interest) or for certain injunctive relief against the Government that is likely to exceed three years.

Each report, which is subject to certain time and content requirements, must be submitted to the Majority and Minority Leaders of the Senate, the Speaker of the House, House Majority Leader, House Minority Leader, and the Chairman and ranking minority member of the Senate and House Committees on the Judiciary, the Senate Legal Counsel and the General Counsel of the House of Representatives. Section 202 also includes a number of conforming amendments.

*Section 203.—Notifications and reports to be provided simultaneously to committees*

Section 203 requires the Attorney General or other officer of the Department of Justice to simultaneously submit copies of any notice or report, which is required by law to be submitted to other Committees or Subcommittees of Congress, to the House and Senate Judiciary Committees.

*Section 204.—Miscellaneous uses of funds; technical amendments*

Section 204 provides technical amendments to the Bureau of Justice Assistance grant programs in title I of the Omnibus Crime Control and Safe Streets Act of 1968. It also makes minor amendments to the amount available to compensate attorneys specially retained by the Attorney General.

*Section 205.—Technical amendment; authority to transfer property of marginal value*

Section 205 makes technical amendments to section 524(c) of title 28, United States Code, clarifies the Attorney General's authority to transfer property of marginal value, and requires the use of standard criteria for the purpose of categorizing offenders, victims, actors, and those acted upon in any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose. It also requires the Attorney General to notify Congress in writing of any civil asset forfeiture award greater than \$500,000. This section further makes several clerical and technical amendments to title 28, United States Code. In addition, this section adds authority to ensure that no inference is created that the Government is liable for interest on certain retroactive payments made by the Department of Justice, and to improve financial systems and debt-collection activities.

*Section 206.—Oversight; waste, fraud, and abuse of appropriations*

Section 206 amends section 529 of title 28, United States Code, to require the Attorney General to submit an annual report to the House and Senate Committees on the Judiciary describing:

- every grant, cooperative agreement, or programmatic services contract that was made, entered into, awarded, or supplemented in the immediately preceding fiscal year by or on behalf of the Office of Justice Programs (other than one made to a governmental entity, pursuant to a statutory formula); and

- a report on every grant, cooperative agreement, or programmatic services contract made, entered into, awarded, or supplemented by or on behalf of the Office of Justice Programs that was terminated or that otherwise ended in the immediately preceding fiscal year (other than one made to a governmental entity, pursuant to a statutory formula).

In addition, section 206 amends the Anti-Lobbying Act to expand its coverage to all legislative activity at the Federal and State level and establishes a new reporting requirement on the enforcement and prosecution of copyright infringements, along with a number of conforming amendments.

*Section 207.—Enforcement of the Federal criminal laws by Attorney General*

Section 207 provides clarifying amendments to title 28, United States Code, relating to the enforcement of Federal criminal law.

*Section 208.—Counterterrorism fund*

Section 208 establishes a counterterrorism fund in the Treasury of the United States, without effecting prior appropriations, to reimburse Justice Department components for any costs incurred in connection with:

- (1) reestablishing the operational capability of an office or facility that has been damaged as the result of any domestic or international terrorism incident;
- (2) providing support to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities;
- (3) conducting terrorism threat assessments of Federal agencies; and
- (4) for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of U.S. law.

*Section 209.—Strengthening law enforcement in U.S. territories, commonwealths, and possessions*

Section 209 allows the payment of a retention bonus and other extended assignment incentives to retain law enforcement personnel in U.S. territories, commonwealths and possessions. This new authority is needed to continue the fight against drug and crime problems in these areas.

*Section 210.—Additional authorities of the Attorney General*

Section 210 provides special “danger pay” allowances for FBI agents in hazardous duty locations outside the United States, as is provided for agents of the Drug Enforcement Administration.

TITLE III—MISCELLANEOUS

*Section 301.—Repealers*

Section 301 repeals open-ended authorizations of appropriations for the National Institute of Corrections and the U.S. Marshals Service and redundant authorizations for payment of rewards.

*Section 302.—Technical amendments to title 18 of the United States Code*

Section 302 makes several minor clarifying amendments to title 18, United States Code. Section 302(3) moves a comma that became the focus of a statutory construction question in *Crandon v. United States*.<sup>4</sup>

*Section 303.—Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003*

Section 303 requires the President to submit a Department of Justice authorization bill for fiscal year 2003 to the House and Senate Committees on the Judiciary when the President submits his fiscal year 2003 budget. This authorization bill should contain any recommended additions, changes or modifications to existing authorities that may be necessary to carry out the functions of the Department. Any such addition, change, or modification should be accompanied by a description of the change and the justification for the change.

*Section 304.—Study of untested rape examination kits*

Section 304 requires the Attorney General to conduct a study and assessment of untested rape examination kits that currently exist nationwide, including information from all law enforcement jurisdictions. The Attorney General is required to submit a report of this study and assessment to the Congress.

*Section 305.—Reports on use of DCS 1000 (“Carnivore”)*

Section 305 requires the Attorney General and Director of the Federal Bureau of Investigation to submit a timely report to the House and Senate Committees on the Judiciary detailing, among other things, as:

1. the kind and number of orders or extensions applied for to authorize the use of the DCS 1000 program (or any subsequent version of such program);
2. the period of interceptions authorized by the order, and the number and duration of any extensions of the order;
3. the offense specified in the order or application, or extension of an order;
4. the number and nature of the facilities affected;
5. the identity of the applying investigative or law enforcement agency making the application for an order; and
6. the specific persons authorizing the use of the DCS 1000 program (or any subsequent version of such program).

*Section 306.—Study of allocation of litigating attorneys*

Section 306 requires the Attorney General to report to Congress within 180 days of enactment of this bill on the allocation of funds, attorneys, and other personnel, per-attorney workloads for each office of U.S. Attorney and each division of the Department of Justice.

<sup>4</sup> 494 U.S. 152 (1990) (J. Scalia concurring).

*Section 307.—Use of truth-in-sentencing and violent offender incarceration grants*

Section 307 provides States with flexibility to use existing Truth-In-Sentencing and Violent Offender Incarceration Grants to account for juveniles being housed in adult prison facilities.

*Section 308.—Authority of the Department of Justice Inspector General*

Section 308 codifies the Attorney General's order of July 11, 2001, which revised Department of Justice's regulations concerning the Inspector General. The section ensures that the Inspector General for the Department of Justice has the authority to decide whether a particular allegation of misconduct by Department of Justice personnel, including employees of the Federal Bureau of Investigation and the Drug Enforcement Administration, should be investigated by the Inspector General or by the internal affairs unit of the appropriate component of the Department of Justice. Consistent with the Attorney General's order, the one exception is that allegations of misconduct that relate to the exercise of an attorney's authority to investigate, litigate, or provide legal advice should be referred to the Office of Professional Responsibility of the Department of Justice.

*Section 309.—Review of the Department of Justice*

Section 309 directs the Inspector General of the Department to appoint an official from the Inspector General's office to be responsible for supervising and coordinating independent oversight of programs and operations of the FBI until the end of the 2003 fiscal year. This section also requires the Inspector General of the Department to submit to Congress not later than 30 days after enactment of this act an oversight plan for the FBI. This section further requires the Attorney General to submit a report and recommendation to the House and Senate Committees on the Judiciary not later than 90 days after enactment of this act on whether there should be established a separate office of Inspector General for the FBI that shall be responsible for supervising independent oversight of programs and operations of the FBI.

*Section 310.—Use of residential substance abuse treatment grants to provide for services during and after incarceration*

Section 310 authorizes the use of Residential Substance Abuse Treatment Grants for treatment and sanctions both during incarceration and after release, as requested in the Administration's fiscal year 2002 budget request.

*Section 311.—Report on threats and assaults against Federal law enforcement officers, U.S. judges, U.S. officials and their families*

Section 311 repeals a burdensome reporting requirement on the compilation of statistics relating to intimidation of Government employees and requires the Attorney General to report to Congress not later than 90 days after enactment of this act on the number of investigations and prosecutions on threats and assaults against Federal law enforcement officers, U.S. judges, U.S. officials and their families.

*Section 312.—To provide for the appointment of additional Federal district judges, and for other purposes*

Section 312 authorizes eight new permanent judgeships as follows: five judgeships in the Southern District of California; two judgeships in the Western District of Texas; and one judgeship in the Western District of North Carolina. It would also convert two temporary judgeships in Illinois into permanent judgeships, create one new temporary judgeship in the Western District of North Carolina, and extend the temporary judgeship in the Northern District of Ohio for 5 years.

#### TITLE IV—VIOLENCE AGAINST WOMEN

*Section 401.—Short title*

Section 401 establishes the “Violence Against Women Office Act” as the short title.

*Section 402.—Establishment of Violence Against Women Office*

Section 402 establishes a Violence Against Women Office (VAWO) as a separate office within the Department of Justice, headed by a director.

*Section 403.—Jurisdiction*

Section 403 provides that the VAWO shall have jurisdiction over all matters related to the administration, enforcement, coordination, and implementation of all responsibilities of the Attorney General or the Department related to violence against women, including grants authorized under the Violence Against Women Act of 1994 and the Violence Against Women Act of 2000.

*Section 404.—Director of Violence Against Women Office*

Section 404 establishes the VAWO shall be headed by a presidentially appointed and Senate confirmed Director. In addition, the Director is prohibited from other employment during service as Director.

*Section 405.—Regulatory authorization*

Section 405 authorizes the Director to issue such rules, regulations and procedures as are necessary to run the VAWO and are consistent with the Violence Against Women Act of 1994 and the Violence Against Women Act of 2000.

*Section 406.—Office Staff*

Section 406 requires the Attorney General to ensure that the VAWO receives adequate staff to support the Director in carrying out the responsibilities of the VAWO Act.

*Section 407.—Authorization of appropriations*

Section 407 authorizes such sums as are necessary to carry out the VAWO Act.

#### VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the standing rules of the Senate, the Committee sets forth, with respect to the bill, S. 1319, the following estimate and comparison prepared by

the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 8, 2001.*

Hon. PATRICK J. LEAHY,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has completed the enclosed cost estimate for S. 1319, the 21st Century Department of Justice Appropriations Authorization Act. The CBO staff contract for this estimate is Mark Grabowicz.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*S. 1319—21st Century Department of Justice Appropriations Authorization Act*

Summary: S. 1319 would authorize the appropriation of funds for fiscal year 2002 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Immigration and Naturalization Service, the United States Attorneys, and the Bureau of Prisons. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1319 would cost \$17.6 billion over the 2002–2006 period. (Spending by the four agencies listed above would account for almost \$13 billion of that total.)

CBO also estimates that enacting of S. 1319 would increase direct spending by \$155 million over the next five years, primarily by allowing DOJ to spend certain collections that are not available for spending under current law.

S. 1319 would authorize DOJ to retain and spend 6 percent of the federal civil debt that the agency seeks to recover on behalf of other agencies. Currently, DOJ may retain and use 3 percent of such funds. CBO estimates that this provision would increase direct spending by \$65 million in fiscal year 2002 and by \$25 million in each year thereafter. In addition, the bill would eliminate federal interest payments to states related to reimbursement for costs to incarcerate certain illegal aliens. CBO estimates that this provision would decrease direct spending by \$3 million annually. Finally, enacting this legislation would increase direct spending by about \$1 million annually to fund eight federal district judges that would be authorized by the bill. Because this legislation would affect direct spending, pay-as-you-go procedures would apply.

S. 1319 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the costs of this mandate would be well below the threshold established in UMRA. The threshold is \$56 million in 2001; (it is adjusted annually for inflation). S. 1319 contains no private-sector mandates as defined UMRA.

Estimated Cost to the Federal Government: The estimated budgetary impact of S. 1319 is shown in the following table. The cost

of this legislation falls within budget functions 750 (administration of justice), 050 (national defense), and 150 (international affairs).

	By fiscal year in millions of dollars—				
	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law:					
Budget Authority <sup>1</sup> .....	0	0	0	0	0
Estimated Outlays .....	3,023	1,315	292	131	79
Proposed Changes:					
Estimated Authorization Level .....	17,698	0	0	0	0
Estimated Outlays .....	13,471	2,589	1,205	259	58
Spending Under S 1319:					
Estimated Authorization Level <sup>1</sup> .....	17,698	0	0	0	0
Estimated Outlays .....	16,494	3,904	1,497	390	137
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority .....	63	23	23	23	23
Estimated Outlays .....	63	23	23	23	23

<sup>1</sup> The programs that would be authorized by the bill received a total appropriation of \$15.6 billion in fiscal year 2001. A full-year appropriation for 2002 for these agencies has not yet been provided.

**Basis of Estimate:** CBO estimates that implementing S. 1319 would cost \$17.6 billion over the next five years assuming appropriation of the necessary funds. We also estimate that enacting the bill would increase direct spending by \$155 million over the next five years.

#### *Spending subject to appropriation*

For the purposes of this estimate, CBO assumes that the amounts authorized by the bill will be appropriated near the start of fiscal year 2002 and that spending will follow the historical spending rates for the authorized activities. We expect a few programs to spend additional funds more slowly than the historical rates because the bill would authorize substantial increases in funding, relative to the amounts appropriated for 2001.

Under current law, the Antitrust Division of DOJ is authorized to collect pre-merger filing fees and spend such collections without further appropriation action. CBO assumes that the amounts authorized to be appropriated in S. 1319 for the Antitrust Division are in addition to this current authority.

Section 102 of the bill would authorize the transfer of 200 positions within DOJ to create additional assistant U.S. attorneys. Under the bill, the new positions would be filled by current litigation attorneys, and those positions would be eliminated. Based on information from DOJ, we estimate that implementing this provision would cost \$6 million in 2002 to pay for increases in salaries, benefits, and travel costs.

#### *Direct spending*

Under current law, DOJ seeks to collect civil debts owed to federal agencies and is authorized to retain 3 percent of such collections to cover its administrative costs. The agency has retained and spent about \$25 million annual in recent years. S. 1319 would authorize the agency to retain and spend 6 percent of funds collected. CBO estimates that DOJ would retain and spend an additional \$25 million annually under S. 1319. Because these funds would other-

wise be returned to the Treasury, this authority would cause an increase in direct spending.

In addition, some of the debts that DOJ collects under current law stem from obligations of borrowers participating in federal credit programs. By authorizing DOJ to retain and spend additional funds from such collections, S. 1319 would modify the expected costs of existing loans and loan guarantees. The Federal Credit Reform Act requires that the costs of modifying loans and loan guarantees be recorded in the year the legislation authorizing such modifications is enacted. Based on collections in recent years, CBO estimates that the cost of the loan modification that would be authorized by for S. 1319 would be about \$40 million 2002.

Under current law, DOJ make payments to states under the State Criminal Alien Assistance Program to reimburse them for costs to incarcerate illegal aliens. When such payments are not made in a timely manner, the Department of the Treasury makes interest payments to the affected states. S. 1319 would eliminate those federal interest payments. Based on the amounts of such payments in recent years, CBO estimates that enacting this provision would reduce direct spending by \$3 million annually. Finally, S. 1319 would authorize eight additional federal district judges. Based on information from the Administrative Office of the United States Courts, CBO estimates that this provision would cost about \$1 million annually for salaries and expenses.

Pay-as-you-go considerations: The Balance Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The changes in direct spending that would be subject to pay-as-you-go procedures are shown in the following table. For the purposes of pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

		By fiscal year, In millions of dollars—									
		2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Changes in outlays	.....	63	23	23	23	23	24	24	24	24	24
Changes in receipts	.....	Not applicable									

Estimated impact on state, local, and tribal governments: Section 205(f) would eliminate federal interest payments to states to reimbursement for costs to incarcerate certain illegal aliens. Interest payments are made by the Treasury Department when reimbursements under DOJ's State Criminal Alien Assistance Program are not made in a timely manner. Because reduction in interest payments would increase states' net incarceration costs, the provision constitutes an intergovernmental mandates as defined in UMRA. CBO estimates that the costs of this mandate would be well below the threshold established in UMRA. The threshold is \$56 million in 2001; (it is adjusted annually for inflation.)

Estimated impact on the private section: This bill contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On July 6, 2001, CBO transmitted a cost estimate for H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act, as ordered reported by the House Committee on the Judiciary June 20, 2001. The two pieces

of legislation authorize very similar 2002 funding levels for DOJ, but H.R. 2215 would not affect direct spending.

Estimate prepared by: Federal Costs: Mark Grabowicz and Lanett J. Walker, Impact on State, Local, and Tribal Governments: Victoria Heid Hall. Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## VII. REGULATORY IMPACT STATEMENT

Pursuant to paragraph 11(b), rule XXVI of the Standing Rules of the Senate, the Committee, after due consideration, concludes that S. 1319 will not have significant regulatory impact.

## VIII. CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by S. 1319, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

# UNITED STATES CODE

\* \* \* \* \*

## TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

\* \* \* \* \*

### PART III—EMPLOYEES

\* \* \* \* \*

#### Subpart D—Pay and Allowances

\* \* \* \* \*

#### CHAPTER 53—PAY RATES AND SYSTEMS

##### Subchapter I—Pay Comparability System

\* \* \* \* \*

#### § 5307. Limitation on certain payments

(a)(1) Except as otherwise permitted by or under law, no allowance, differential, bonus, award, or other similar cash payment under this title may be paid to an employee in a calendar year if, or to the extent that, when added to the total basic pay paid or payable to such employee for service performed in such calendar year as an employee in the executive branch (or as an employee outside the executive branch to whom chapter 51 applies), such payment would cause the total to exceed the annual rate of basic

pay payable for level I of the Executive Schedule, as of the end of such calendar year.

(2) This section shall not apply to any payment under—

(A) subchapter III or VII of chapter 55 or section 5596;

(B) chapter 57 (other than section 5753, 5754, **[or 5755]**); or  
5755, or 5757

\* \* \* \* \*

## CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

\* \* \* \* \*

### Subchapter IV—Miscellaneous Provisions

Sec.

5751. Travel expenses of witnesses

\* \* \* \* \*

5756. Home marketing incentive payment.

5757. *Extended assignment incentive.*

\* \* \* \* \*

### **§ 5756. Home marketing incentive payment**

(a) Under regulations prescribed under subsection (b), an agency may pay to an employee who transfers in the interest of the Government an amount to encourage the employee to aggressively market the employee's residence at the official station from which transferred when—

\* \* \* \* \*

(b)(1) The Administrator of General Services shall prescribe regulations to carry out this section.

(2) The regulations shall include a limitation on the maximum amount payable with respect to an employee's residence. The Administrator shall establish the limitation in consultation with the Director of the Office of Management and Budget. For fiscal years 1997 and 1998, the maximum amount shall be the amount equal to five percent of the sale price of the residence.

### **§ 5757. *Extended assignment incentive***

(a) *The head of an Executive agency may pay an extended assignment incentive to an employee if—*

*(1) the employee has completed at least 2 years of continuous service in 1 or more civil service positions located in a territory or possession of the United States, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands;*

*(2) the agency determines that replacing the employee with another employee possessing the required qualifications and experience would be difficult; and*

*(3) the agency determines it is in the best interest of the Government to encourage the employee to complete a specified additional period of employment with the agency in the territory or possession, the Commonwealth of Puerto Rico or Commonwealth of the Northern Mariana Islands, except that the total amount of service performed in a particular territory, commonwealth, or possession under 1 or more agreements established under this section may not exceed 5 years.*

(b) *The sum of extended assignment incentive payments for a service period may not exceed the greater of—*

(1) *an amount equal to 25 percent of the annual rate of basic pay of the employee at the beginning of the service period, times the number of years in the service period; or*

(2) *\$15,000 per year in the service period.*

(c)(1) *Payment of an extended assignment incentive shall be contingent upon the employee entering into a written agreement with the agency specifying the period of service and other terms and conditions under which the extended assignment incentive is payable.*

(2) *The agreement shall set forth the method of payment, including any use of an initial lump-sum payment, installment payments, or a final lump-sum payment upon completion of the entire period of service.*

(3) *The agreement shall describe the conditions under which the extended assignment incentive may be canceled prior to the completion of agreed-upon service period and the effect of the cancellation. The agreement shall require that if, at the time of cancellation of the incentive, the employee has received incentive payments which exceed the amount which bears the same relationship to the total amount to be paid under the agreement as the completed service period bears to the agreed-upon service period, the employee shall repay that excess amount, at a minimum, except that an employee who is involuntarily reassigned to a position stationed outside the territory, commonwealth, or possession or involuntarily separated (not for cause on charges of misconduct, delinquency, or inefficiency) may not be required to repay any excess amounts.*

(d) *An agency may not put an extended assignment incentive into effect during a period in which the employee is fulfilling a recruitment or relocation bonus service agreement under section 5753 or for which an employee is receiving a retention allowance under section 5754.*

(e) *Extended assignment incentive payments may not be considered part of the basic pay of an employee.*

(f) *The Office of Personnel Management may prescribe regulations for the administration of this section, including regulations on an employee's entitlement to retain or receive incentive payments when an agreement is canceled. Neither this section nor implementing regulations may impair any agency's independent authority to administratively determine compensation for a class of its employees.*

\* \* \* \* \*

## CHAPTER 59—ALLOWANCES

\* \* \* \* \*

### Subchapter III—Overseas Differentials and Allowances

\* \* \* \* \*

#### § 5928. Danger pay allowance

An employee serving \* \* \*

#### HISTORICAL AND STATUTORY NOTES

\* \* \* \* \*

Danger Pay Allowance: DEA Employee. Pub. L. 101–246, Title I, § 151, Feb. 16, 1990, 104 Stat. 42, provided that: “The Secretary of State may not deny a request by the Drug Enforcement Administration or *Federal Bureau of Investigation* to authorize a danger pay allowance (under section 5928 of title 5, United States Code [this section] for any employee of such agency.”

\* \* \* \* \*

## APPENDIX 3

### INSPECTOR GENERAL ACT OF 1978

\* \* \* \* \*

#### **§ 8E. Special provisions concerning the Department of Justice**

(a)(1) Notwithstanding the last two sentences of section 3(a), the Inspector General shall be under the authority, direction, and control of the Attorney General with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

\* \* \* \* \*

(b) In carrying out the duties and responsibilities specified in this Act, the Inspector General of the Department of Justice—

(1) may initiate, conduct and supervise such audits and investigations in the Department of Justice as the Inspector General considers appropriate;

[(2) shall give particular regard to the activities of the Counsel, Office of Professional Responsibility of the Department and the audit, internal investigative, and inspection units outside the Office of Inspector General with a view toward avoiding duplication and insuring effective coordination and cooperation; and

[(3) shall refer to the Counsel, Office of Professional Responsibility of the Department for investigation, information or allegations relating to the conduct of an officer or employee of the Department of Justice employed in an attorney, criminal investigative, or law enforcement position that is or may be a violation of law, regulation, or order of the Department or any other applicable standard of conduct, except that no such referral shall be made if the officer or employee is employed in the Office of Professional Responsibility of the Department.】

*(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the Inspector General’s discretion, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice; and*

*(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators or law enforcement personnel, where the allegations relate to the exercise of an attorney’s authority to investigate, litigate, or provide legal ad-*

*vice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility.*

(c) Any report required to be transmitted by the Attorney General to the appropriate committees or subcommittees of the Congress under section 5(d) shall also be transmitted, within the seven-day period specified under such section, to the Committees on the Judiciary and Governmental Affairs of the Senate and the Committees on the Judiciary and Government Operations of the House of Representatives.

(d) *The Attorney General shall insure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department shall report such information to the Inspector General.*

\* \* \* \* \*

## **TITLE 18—CRIMES AND CRIMINAL PROCEDURE**

\* \* \* \* \*

### **PART I—CRIMES**

\* \* \* \* \*

#### **CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST**

\* \* \* \* \*

##### **§ 209. Salary of Government officials and employees payable only by United States**

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, country, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, ~~or makes~~ *makes* any contribution to, or in any way ~~supplements the salary of, any~~ *supplements, the salary of any* such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be subject to the penalties set forth in section 216 of this title.

\* \* \* \* \*

#### **CHAPTER 73—OBSTRUCTION OF JUSTICE**

\* \* \* \* \*

### § 1516. Obstruction of Federal audit

(a) Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person, *entity*, or *program* receiving in excess of \$100,000, directly or indirectly, from the United States in any 1 year period under a contract or sub-contract, *grant*, or *cooperative agreement*, or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary, or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949, shall be fined under this title, or imprisoned not more than 5 years, or both.

\* \* \* \* \*

## CHAPTER 93—PUBLIC OFFICERS AND EMPLOYEES

\* \* \* \* \*

### § 1913. Lobbying with appropriated moneys

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, **【to favor】** *a jurisdiction, or an official of any government, to favor, adopt*, or oppose, by vote or otherwise, any legislation or appropriation **【by Congress】**, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, *law, ratification, policy*, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to **【Members of Congress on the request of any Member】** *any such Member or official, at his request*, or to Congress or *such official*, through the proper official channels, requests for any legislation, *law, ratification, policy*, or appropriations which they deem necessary for the efficient conduct of the public business**【.】**, or *from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities. Violations of this section shall constitute violations of section 1352(a) of title 31.*

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined under this title or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

\* \* \* \* \*

## CHAPTER 113—STOLEN PROPERTY

\* \* \* \* \*

## § 2320. Trafficking in counterfeit goods or services

(a) Whoever intentionally \* \* \*

\* \* \* \* \*

(f)(1) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of [title 18] *this title*), criminal infringement of copyrights (as defined in section 2319 of [title 18] *this title*), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of [title 18] *this title*), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of [title 18] *this title*):

[(1)](A) The number of open investigations.

(2)(B) The number of cases referred by the United States Customs Service.

(3)(C) The number of cases referred by other agencies or sources.

(4)(D) The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of [title 18] *this title*.

(2) *The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:*

(A) *The number of infringement cases involving specific types of works, such as audiovisual works, sound recordings, business software, video games, books, and other types of works.*

(B) *The number of infringement cases involving an online element.*

(C) *The number and dollar amounts of fines assessed in specific categories of dollar amounts, such as up to \$500, from \$500 to \$1,000, from \$1,000 to \$5,000, from \$5,000 to \$10,000, and categories above \$10,000.*

(D) *The amount of restitution awarded.*

(E) *Whether the sentences imposed were served.*

\* \* \* \* \*

## PART II—CRIMINAL PROCEDURE

\* \* \* \* \*

### CHAPTER 203—ARREST AND COMMITMENT

Sec.

3041. Power of courts and magistrates.

[3059. Rewards and appropriations therefor.

[3059A. Special rewards for information relating to certain financial institution offenses.

【3059B. General reward authority.】

\* \* \* \* \*

**【§ 3059. Rewards and appropriations therefor**

【(a)(1) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 as a reward or rewards for the capture of anyone who is charged with violation of criminal laws of the United States or any State or of the District of Columbia, and an equal amount as a reward or rewards for information leading to the arrest of any such person, to be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Attorney General of the United States. Not more than \$25,000 shall be expended for information or capture of any one person.

【(2) If any of the said persons shall be killed in resisting lawful arrest, the Attorney General may pay any part of the reward money in his discretion to the person or persons whom he shall adjudge to be entitled thereto but no reward money shall be paid to any official or employee of the Department of Justice of the United States.

【(b) The Attorney General each year may spend not more than \$10,000 for services or information looking toward the apprehension of narcotic law violators who are fugitives from justice.

【(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to \$10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2326 which results in a conviction.

【(2) A person is not eligible for a payment under paragraph (1) if—

【(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

【(B) the person knowingly participated in the offense;

【(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

【(i) in a criminal, civil, or administrative proceeding;

【(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

【(iii) by the news media, unless the person is the original source of the information; or

【(D) when, in the judgment of the Attorney General it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

【(3) For the purposes of paragraph (2)(C)(iii), the term “original source” means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

【(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.】

**§ 3059A. Special rewards for information relating to certain financial institution offenses**

[(a)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make payments to persons who furnish information unknown to the Government relating to a possible prosecution under section 215, 225, 287, 656, 657, 1001, 1005, 1006, 1007, 1014, 1032, 1341, 1343, 1344, or 1517 of this title affecting a depository institution insured by the Federal Deposit Insurance Corporation or any other agency or entity of the United States, or to a possible prosecution for conspiracy to commit such an offense.

[(2) The amount of a payment under paragraph (1) shall not exceed \$50,000 and shall be paid from the Financial Institution Information Award Fund established under section 2569 of the Financial Institutions Anti-Fraud Enforcement Act of 1990.

[(b) A person is not eligible for a payment under subsection (a) if—

[(1) the person is a current or former officer or employee of a Federal or State government agency or instrumentality who furnishes information discovered or gathered in the course of his government employment;

[(2) the furnished information consists of allegations or transactions that have been disclosed to a member of the public in a criminal, civil, or administrative proceeding, in a congressional, administrative, or General Accounting Office report, hearing, audit or investigation, from any other government source, or from the news media unless the person is the original source of the information;

[(3) the person is an institution-affiliated party (as defined in section 3(u) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(u)) which withheld information during the course of any bank examination or investigation authorized pursuant to section 10 of such Act (12 U.S.C. 1820)) who such party owed a fiduciary duty to disclose;

[(4) the person is a member of the immediate family of the individual whose activities are the subject of the declaration or where, in the discretion of the Attorney General, it appears the individual could benefit from the award; or

[(5) the person knowingly participated in the violation of the section with respect to which the payment would be made.

[(c) For the purposes of subsection (b)(2), the term "original source" means a person who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the government prior to the disclosure.

[(d) Neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review.

[(e)(1) A person who—

[(A) is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by an employer because of lawful acts done by the person on behalf of the person or others in furtherance of a prosecution under any of the sections referred to in subsection (a) (including provision of information

relating to, investigation for, initiation of, testimony for, or assistance in such a prosecution); and

[(B) was not a knowing participant in the unlawful activity that is the subject of such a prosecution, may, in a civil action, obtain all relief necessary to make the person whole.

[(2) Relief under paragraph (1) shall include—

[(A)(i) reinstatement with the same seniority status;

[(ii) 2 times the amount of back pay plus interest; and

[(iii) interest on the back pay, that the plaintiff would have had but for the discrimination; and

[(B) compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees.]

#### **[§ 3059B. General reward authority**

[(a) Notwithstanding any other provision of law, the Attorney General may pay rewards and receive from any department or agency funds for the payment of rewards under this section to any individual who assists the Department of Justice in performing its functions.

[(b) Not later than 30 days after authorizing a reward under this section that exceeds \$100,000, the Attorney General shall give notice to the respective chairmen of the Committees on Appropriations and the Committees on the Judiciary of the Senate and the House of Representatives.

[(c) A determination made by the Attorney General to authorize an award under this section and the amount of any reward authorized shall be final and conclusive, and not subject to judicial review.]

\* \* \* \* \*

### **CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE**

Sec.

3071. Information for which rewards authorized.

3072. Determination of entitlement; maximum amount; Presidential approval; conclusiveness.

3073. Production of identity.

3074. Exception of governmental officials.

**[3075. Authorization for appropriations.]**

3076. Eligibility for witness security program.

3077. Definitions.

#### **§ 3072. Determination of entitlement; maximum amount; Presidential approval; conclusiveness**

The Attorney General shall determine whether an individual furnishing information described in section 3071 is entitled to a reward and the amount to be paid. [A reward under this section may be in an amount not to exceed \$500,000. A reward of \$100,000 or more may not be made without the approval of the President or the Attorney General personally. A determination made by the Attorney General or the President under this chapter shall be final and

conclusive, and no court shall have power or jurisdiction to review it.】

\* \* \* \* \*

**【§ 3075. Authorization for appropriations**

【There are authorized to be appropriated, without fiscal year limitation, \$5,000,000 for the purpose of this chapter.】

\* \* \* \* \*

**PART III—PRISONS AND PRISONERS**

\* \* \* \* \*

**CHAPTER 301—GENERAL PROVISIONS**

\* \* \* \* \*

**§ 4013. Support of United States prisoners in non-Federal institutions**

(a) The Attorney General, in 【support of United States prisoners】 *Federal prisoner detention* in non-Federal institutions, is authorized to make payments from funds appropriated for the support of United States prisoners for—

(1) necessary clothing;

(2) medical care and necessary guard hire; *and*

(3) the housing, care, and security of persons held in custody of a United States marshal pursuant to Federal law under agreements with State or local units of government or contracts with private 【entities; and】 *entities*.

【(4)】(b) *The Attorney General, in support of Federal prisoner detainees in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for entering into contracts or cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for Federal detainees within that correctional system, in accordance with regulations which are issued by the Attorney General and are comparable to the regulations issued under section 4006 of this title, except that—*

【(A)】(1) amounts made available for purposes of this paragraph shall not exceed the average per-inmate cost of constructing similar confinement facilities for the Federal prison population,

【(B)】(2) the availability of such federally assisted facility shall be assured for housing Federal prisoners, and

【(C)】(3) the per diem rate charged for housing such Federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement.

[(b)](c)(1) The United States Marshals Service may designate districts that need additional support from private detention entities under subsection (a)(3) based on—

\* \* \* \* \*

[(c)](d) Health care fees for Federal prisoners in non-Federal institutions.—

(1) IN GENERAL.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

\* \* \* \* \*

#### § 4041. Bureau of Prisons; director and employees

The Bureau of Prisons shall be in charge of a director appointed by and serving directly under the Attorney General [at a salary of \$10,000 a year]. The Attorney General may appoint such additional officers and employees as he deems necessary.

\* \* \* \* \*

### CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS

\* \* \* \* \*

Sec.

[4353. Authorization of appropriations.]

\* \* \* \* \*

#### [§ 4353. Authorization of appropriations

[There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.]

\* \* \* \* \*

## TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

\* \* \* \* \*

### PART I—ORGANIZATION OF COURTS

\* \* \* \* \*

#### CHAPTER 5—DISTRICT COURTS

\* \* \* \* \*

#### § 133. Appointment and number of district judges

(a) The President shall appoint, by and with the advice and consent of the Senate, district judges for the several judicial districts, as follows:

\* \* \* \* \*

Districts	Judges
[California:	
[Northern .....	14

Districts	Judges
Eastern .....	6
Central .....	27
Southern .....	8
California:	
Northern .....	14
Eastern .....	6
Central .....	27
Southern .....	13
* * * * *	
Illinois:	
Northern .....	22
Central .....	3
Southern .....	3
Illinois:	
Northern .....	22
Central .....	4
Southern .....	4
* * * * *	
North Carolina:	
Eastern .....	4
Middle .....	4
Western .....	3
North Carolina:	
Eastern .....	4
Middle .....	4
Western .....	4
* * * * *	
Texas:	
Northern .....	12
Southern .....	19
Eastern .....	7
Western .....	11
Texas:	
Northern .....	12
Southern .....	19
Eastern .....	7
Western .....	13
* * * * *	

## HISTORICAL AND STATUTORY NOTES

\* \* \* \* \*

“(12) 1 additional district judge for the eastern district of Virginia.

“[(13) Redesignated (12)]

Except with respect to the western district of Michigan [and the eastern district of Pennsylvania], *the eastern district of Pennsylvania, and the northern district of Ohio* the first vacancy in the office of district judge in each of the judicial districts named in this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary judgeship created by this subsection, shall not be filled. The first vacancy in the office of district judge in the western district of Michigan, occurring after December 1, 1995, shall not be filled. The first vacancy in the office of district judge in the eastern district of Pennsylvania, occurring 5 years or more after the confirmation date of the judge named to fill the temporary judgeship created for such district under this subsection, shall not be filled. *The first vacancy in the office of district judge in the northern district of Ohio occurring 15 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled.*

For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeships created under this section.”

\* \* \* \* \*

## PART II—DEPARTMENT OF JUSTICE

\* \* \* \* \*

### CHAPTER 31—THE ATTORNEY GENERAL

Sec.

501. Executive department.

\* \* \* \* \*

530A. Authorization of appropriations for travel and related expenses and for health care of personnel serving abroad.

530B. Ethical standards for attorneys for the Government.

530C. *Authority to use available funds.*

530D. *Report on enforcement of laws.*

\* \* \* \* \*

#### § 509. Functions of the Attorney General

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

- (1) vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Department of Justice;
- (2) of the Federal Prison Industries, Inc.; and
- (3) of the Board of Directors and officers of the Federal Prison Industries, Inc. [.]

\* \* \* \* \*

#### § 515. Authority for legal proceedings; commission, oath, and salary for special attorneys

(a) The Attorney General \* \* \*

(b) Each attorney specially retained under authority of the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney, and shall take the oath required by law. Foreign counsel employed in special cases are not required to take the oath. The Attorney General shall fix the annual salary of a special assistant or special attorney [at not more than \$12,000].

\* \* \* \* \*

#### § 522. Report of business and statistics

(a) The Attorney General, by April 1 of each year, shall report to Congress on the business of the Department of Justice for the last preceding fiscal year, and on any other matters pertaining to the Department that he considers proper, including—

- (1) a statement of the several appropriations which are placed under the control of the Department and the amount appropriated;
- (2) the statistics of crime under the laws of the United States; and

(3) a statement of the number of causes involving the United States; civil and criminal, pending during the preceding year in each of the several courts of the United States.

*(b) With respect to any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose beginning not later than 1 year after the date of enactment of 21st Century Department of Justice Appropriations Authorization Act and continuing thereafter, and notwithstanding any other provision of law, the same criteria shall be used (and shall be required to be used, as applicable) to classify or categorize offenders and victims (in the criminal context), and to classify or categorize actors and acted upon (in the noncriminal context).*

\* \* \* \* \*

#### **§ 524. Availability of appropriations**

(a) Appropriations for the Department of Justice are available to the Attorney General for payment of—

\* \* \* \* \*

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred as the “Fund”) which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

(A) the payment, at \* \* \*

\* \* \* \* \*

(H) the payment of State and local property taxes on forfeited real property that accrued between the date of the violation giving rise to the forfeiture and the date of the forfeiture order; and

(I) payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or local law enforcement officers that incurred in a joint law enforcement operation with a Federal law enforcement agency participating in the Fund[;].

[(I) after all reimbursements and program-related expenses have been met at the end of the fiscal year 1989, the Attorney General may transfer deposits from the Fund to the building and facilities account of the Federal prison system for the construction of correctional institutions.]

Amounts for paying the expense authorized by subparagraphs [(A)(iv), (B), (F), (G), and (H)] *(B), (F), and (G)* shall be specified in appropriations Acts and may be used under authorities available to the organization receiving the funds. Amounts for other authorized expenditures and payments from the Fund, including equitable sharing payments, are not required to be specified in appropriations acts. The Attorney General may exempt the procurement of contract services under subparagraph (A) under the [fund] *Fund* from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following), and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

(2) Any award paid from the Fund **[for information]**, as provided in paragraph (1)(B) or (C), shall be paid at the discretion of the Attorney General or his delegate, under existing departmental delegation policies for the payment of awards, except that the authority to pay an award of \$250,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator the Drug Enforcement Administration. Any award **[for information]** pursuant to paragraph (1)(B) shall not exceed **[\$250,000]** *\$500,000*. Any award **[for information]** pursuant to paragraph (1)(C) shall not exceed the lesser of **[\$250,000]** *\$500,000* or one-fourth of the amount realized by the United States from the property forfeited, *without both the personal approval of the Attorney General and written notice within 30 days thereof to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives*

(3) Any amount under subparagraph **[F](G)** of paragraph (1) shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay \$100,000 or more may be delegated only to the respective head of the agency involved.

\* \* \* \* \*

(5) Amounts in the Fund, and in any holding accounts associated with the **[Fund which]** *Fund*, that are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

\* \* \* \* \*

(8)(A) There are authorized to be appropriated such sums as necessary for the purposes described in subparagraphs **[(A)(iv), (B), (F), (G), and (H)]** *(B), (F), and (G)* of paragraph (1).

\* \* \* \* \*

(B) For fiscal **[year 1997]**, *years 2002 and 2003* the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, real or personal property of limited or marginal value, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. **[Such transfer shall not]** *Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall create or confer any private right of action in any person against the United States.*

\* \* \* \* \*

## **§ 529. Annual report of Attorney General**

(a) Beginning on June 1, 1979, and at the beginning of each regular session of Congress thereafter, the Attorney General shall report to Congress on the activities and operations of the Public Integrity Section or any other unit of the Department of Justice designated to supervise the investigation and prosecution of—

(1) any violation \* \* \*

\* \* \* \* \*

(4) such other matters as the Attorney General may deem appropriate.

Such report shall include the number, type, and disposition of all investigations and prosecutions supervised by such Section or such unit, except that such report shall not disclose information which would interfere with any pending investigation or prosecution or which would improperly infringe upon the privacy rights of any individuals.

*(b) Notwithstanding any provision of law limiting the amount of management or administrative expenses, the Attorney General shall, not later than May 2, 2003, and of every year thereafter, prepare and provide to the Committees on the Judiciary and Appropriations of each House of the Congress using funds available for the underlying programs—*

*(1) a report identifying and describing every grant (other than one made to a governmental entity, pursuant to a statutory formula), cooperative agreement, or programmatic services contract that was made, entered into, awarded, or, for which additional or supplemental funds were provided in the immediately preceding fiscal year, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services), and including, without limitation, for each such grant, cooperative agreement, or contract: the term, the dollar amount or value, a description of its specific purpose or purposes, the names of all grantees or parties, the names of each unsuccessful applicant or bidder, and a description of the specific purpose or purposes proposed in each unsuccessful application or bid, and of the reason or reasons for rejection or denial of the same; and*

*(2) a report identifying and reviewing every grant (other than one made to a governmental entity, pursuant to a statutory formula), cooperative agreement, or programmatic services contract made, entered into, awarded, or for which additional or supplemental funds were provided, after October 1, 2002, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services) that was programmatically and financially closed out or that otherwise ended in the immediately preceding fiscal year (or even if not yet closed out, was terminated or otherwise ended in the fiscal year that ended 2 years before the end of such immediately preceding fiscal year), and including, without limitation, for each such grant, cooperative agreement, or contract: a description of how the appropriated funds involved actually were spent, statistics relating to its performance, its specific purpose or purposes, and its effectiveness, and a written declaration by each non-Federal grantee and each non-Federal party to such agreement or to such contract, that—*

*(A) the appropriated funds were spent for such purpose or purposes, and only such purpose or purposes;*

*(B) the terms of the grant, cooperative agreement, or contract were complied with; and*

*(C) all documentation necessary for conducting a full and proper audit under generally accepted accounting prin-*

*principles, and any (additional) documentation that may have been required under the grant, cooperative agreement, or contract, have been kept in orderly fashion and will be preserved for not less than 3 years from the date of such close out, termination, or end;*  
*except that the requirement of this paragraph shall be deemed satisfied with respect to any such description, statistics, or declaration if such non-Federal grantee or such non-Federal party shall have failed to provide the same to the Attorney General, and the Attorney General notes the fact of such failure and the name of such grantee or such party in the report.*

\* \* \* \* \*

#### **§ 530B. Ethical standards for attorneys for the Government.**

(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

(c) As used in this section, the term "attorney for the Government" includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or employee of such a counsel, appointed under chapter 40.

#### **§ 530C. Authority to use available funds**

(a) *IN GENERAL.*—Except to the extent provided otherwise by law, the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) may, in the reasonable discretion of the Attorney General, be carried out through any means, including—

(1) through the Department's own personnel, acting within, from, or through the Department itself;

(2) by sending or receiving details of personnel to other branches or agencies of the Federal Government, on a reimbursable, partially-reimbursable, or nonreimbursable basis;

(3) through reimbursable agreements with other Federal agencies for work, materials, or equipment;

(4) through contracts, grants, or cooperative agreements with non-Federal parties; and

(5) as provided in subsection (b), in section 524, and in any other provision of law consistent herewith, including, without limitation, section 102(b) of Public Law 102-395 (106 Stat. 1838), as incorporated by section 815(d) of Public Law 104-132 (110 Stat. 1315).

(b) *PERMITTED USES.*—

(1) *GENERAL PERMITTED USES.*—Funds available to the Attorney General (i.e., all funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

(A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for

*law enforcement purposes, without regard to general purchase price limitation for the then-current fiscal year.*

*(B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.*

*(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.*

*(D) Official reception and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions, but excluding expenses of public tours of facilities of the Department of Justice), in accordance with distributions and procedures established, and rules issued, by the Attorney General, and expenses of public tours of facilities of the Department of Justice.*

*(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.*

*(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.*

*(G) In accordance with procedures established and rules issued by the Attorney General—*

*(i) attendance at meetings and seminars;*

*(ii) conferences and training; and*

*(iii) advances of public moneys under section 3324 of title 31: Provided, That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.*

*(H) Contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.*

*(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and rules issued by the Attorney General.*

*(J) Expenses or allowances for uniforms as authorized by section 5901 of title 5, but without regard to the general purchase price limitation for the then-current fiscal year.*

*(K) Expenses of—*

*(i) primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and*

*(ii) transportation of those dependents between their place of residence and schools serving the area which*

*those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.*

*(L) Payment of rewards (i.e., payments pursuant to public advertisements for assistance to the Department of Justice), in accordance with procedures and regulations established or issued by the Attorney General: provided that—*

*(i) no such reward shall exceed \$2,000,000 (unless a statute should authorize a higher amount);*

*(ii) no such reward of \$250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;*

*(iii) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under clause (ii);*

*(iv) any executive agency or military department (as defined, respectively, in sections 150 and 102 of title 5) may provide the Attorney General with funds for the payment of rewards; and*

*(v) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review.*

**(2) SPECIFIC PERMITTED USES.—**

**(A) AIRCRAFT AND BOATS.—***Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.*

**(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—***Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—*

*(i) the purchase of ammunition and firearms; and*

*(ii) participation in firearms competitions.*

**(C) CONSTRUCTION.—***Funds available to the Attorney General for construction may be used for expenses of planning, designing, acquiring, building, constructing, activating, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites therefor, and all necessary expenses incident or related thereto; but the foregoing shall not be construed to mean that funds generally available for salaries and expenses are not also available for certain incidental or minor construction, activation, remodeling, maintenance, and other related construction costs.*

(3) *FEES AND EXPENSES OF WITNESSES.*—Funds available to the Attorney General for fees and expenses of witnesses may be used for—

(A) expenses, mileage, compensation, protection, and per diem in lieu of subsistence, of witnesses (including advances of public money) and as authorized by section 1821 or other law, except that no witness may be paid more than 1 attendance fee for any 1 calendar day;

(B) fees and expenses of neutrals in alternative dispute resolution proceedings, where the Department of Justice is a party; and

(C) construction of protected witness safe sites.

(4) *FEDERAL BUREAU OF INVESTIGATION.*—Funds available to the Attorney General for the Federal Bureau of Investigation for the detection, investigation, and prosecution of crimes against the United States may be used for the conduct of all its authorized activities.

(5) *IMMIGRATION AND NATURALIZATION SERVICE.*—Funds available to the Attorney General for the Immigration and Naturalization Service may be used for—

(A) acquisition of land as sites for enforcement fences, and construction incident to such fences;

(B) cash advances to alien for meals and lodging en route;

(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

(6) *FEDERAL PRISON SYSTEM.*—Funds available to the Attorney General for the Federal Prison System may be used for—

(A) inmate medical services and inmate legal services, within the Federal prison system;

(B) the purchase and exchange of farm products and livestock;

(C) the acquisition of land as provided in section 4010 of title 18; and

(D) the construction of buildings and facilities for penal and correctional institutions (including prison camps), by contract or force account, including the payment of United States prisoners for their work performed in any such construction;

except that no funds may be used to distribute or make available to a prisoner any commercially published information or material that is sexually explicit or features nudity.

(7) *DETENTION TRUSTEE.*—Funds available to the Attorney General for the Detention Trustee may be used for all the activities of such Trustee in the exercise of all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and to the detention of aliens in the custody of the Immigration and Naturalization Service, including the overseeing of construction of detention facilities or

*for housing related to such detention, the management of funds appropriated to the Department for the exercise of detention functions, and the direction of the United States Marshals Service and Immigration Service with respect to the exercise of detention policy setting and operations for the Department of Justice.*

**(c) RELATED PROVISIONS.—**

**(1) LIMITATION OF COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.**—No funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

**(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.**—Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local government, may be used under authorities available to the unit or entity receiving such reimbursement.

**(d) FOREIGN REIMBURSEMENTS.**—Whenever the Department of Justice or any component participates in a cooperative project to improve law enforcement or national security operations or services with a friendly foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Department of Justice or any component. The amount of a reimbursement or contribution credited shall be available only for payment of the share of the project expenses allocated to the participating foreign country.

**(e) RAILROAD POLICE TRAINING FEES.**—The Attorney General is authorized to establish and collect a fee to defray the costs of railroad police officers participating in a Federal Bureau of Investigation law enforcement training program authorized by Public Law 106–110, and to credit such fees to the appropriation account “Federal Bureau of Investigation, Salaries and Expenses”, to be available until expended for salaries and expenses incurred in providing such services.

**(f) WARRANTY WORK.**—In instances where the Attorney General determines that law enforcement, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities, and to credit any payment made for such work to any appropriation charged therefor.

**§ 530D. Report on enforcement of laws**

**(a) REPORT.—**

**(1) IN GENERAL.**—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice—

**(A)** establishes or implements a formal or informal policy to refrain—

(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer on the grounds that such provision is unconstitutional; or

(ii) within any judicial jurisdiction of or within the United States, from adhering to, enforcing, applying, or complying with, any standing rule of decision (binding upon courts of, or inferior to those of, that jurisdiction) established by a final decision of any court of, or superior to those of, that jurisdiction, respecting the interpretation, construction, or application of the Constitution, any statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer;

(B) determines—

(i) to contest affirmatively, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law; or

(ii) to refrain (on the grounds that the provision is unconstitutional) from defending or asserting, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law, or not to appeal or request review of any judicial, administrative, or other determination adversely affecting the constitutionality of any such provision; or

(C) approves (other than in circumstances in which a report is submitted to Joint Committee on Taxation, pursuant to section 6405 of the Internal Revenue Code of 1986) the settlement or compromise (other than in bankruptcy) of any claim, suit, or other action—

(i) against the United States (including any agency or instrumentality thereof) for a sum that exceeds, or is likely to exceed, \$2,000,000, excluding prejudgment interest; or

(ii) by the United States (including any agency or instrumentality thereof) pursuant to an agreement, consent decree, or order (or pursuant to any modification of an agreement, consent decree, or order) that provides injunctive or other nonmonetary relief that exceeds, or is likely to exceed, 3 years in duration: Provided, That for purposes of this clause, the term “injunctive or other nonmonetary relief” shall not be understood to include the following, where the same are a matter of public record—

(I) debarments, suspensions, or other exclusions from Government contracts or grants;

(II) mere reporting requirements or agreements (including sanctions for failure to report);

(III) requirements or agreements merely to comply with statutes or regulations;

(IV) requirements or agreements to surrender professional licenses or to cease the practice of professions, occupations, or industries;

(V) any criminal sentence or any requirements of agreements to perform community service, to serve probation, or to participate in supervised release from detention, confinement, or prison; or

(VI) agreements to cooperate with the government in investigations or prosecutions (whether or not the agreement is a matter of public record).

(2) *SUBMISSION OF REPORT TO THE CONGRESS.*—For the purposes of paragraph (1), a report shall be considered to be submitted to the Congress if the report is submitted to—

(A) the majority leader and minority leader of the Senate;

(b) the Speaker, majority leader, and minority leader of the House of Representatives;

(C) the chairman and ranking minority member of the Committee on the Judiciary of the House and Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate; and

(D) the Senate Legal Counsel and the General Counsel of the House of Representatives.

(b) *DEADLINE.*—A report shall be submitted—

(1) under subsection (a)(1)(A), not later than 30 days after the establishment or implementation of each policy;

(2) under subsection (a)(1)(B), within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but in no event later than 30 days after the making of each determination; and

(3) under subsection (a)(1)(C), not later than 30 days after the conclusion of each fiscal-year quarter, with respect to all approvals occurring in such quarter.

(c) *CONTENTS.*—A report required by subsection (a) shall—

(1) specify the date of the establishment or implementation of the policy described in subsection (a)(1)(A), of the making of the determination described in subsection (a)(1)(B), or of each approval described in subsection (a)(1)(C);

(2) include a complete and detailed statement of the relevant issues and background (including a complete and detailed statement of the reasons for the policy or determination, and the identity of the officer responsible for establishing or implementing such policy, making such determination, or approving such settlement or compromise), except that—

(A) such details may be omitted as may be absolutely necessary to prevent improper disclosure of national-security- or classified information, of any information subject to the deliberative-process-, executive-, attorney-work-product-, or attorney-client privileges, or of any information the disclosure of which is prohibited by section 6103 of the Internal Revenue Code of 1986, if the fact of each such omission (and the precise ground of grounds therefor) is clearly noted in the statement: Provided, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted

*details (or related information) that it lawfully may seek, subsequent to the submission of the report; and*

*(B) the requirements of this paragraph shall be deemed satisfied—*

*(i) in the case of an approval described in subsection (a)(1)(C)(i), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the legal and factual basis or bases for the settlement or compromise (if not apparent on the face of documents provided); and*

*(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if no apparent on the face of documents provided); and*

*(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C) indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.*

*(d) DECLARATION.—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).*

*(e) APPLICABILITY TO THE PRESIDENT AND TO EXECUTIVE AGENCIES AND MILITARY DEPARTMENT.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President, to the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) the establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.*

\* \* \* \* \*

### **§ 533. Investigative and other officials; appointment**

The Attorney General may appoint officials—

(1) to detect and prosecute crimes against the United States;

(2) to assist in the protection of the person of the President;

and

(3) to assist in the protection of the person of the Attorney General.

[(3)](4) to conduct such other investigation regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General.

This section does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies.

**§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials**

(a) The Attorney General shall—

\* \* \* \* \*

(3) acquire, collect classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin). *and*

\* \* \* \* \*

**§ 535. Investigation of crimes involving Government officers and employee; limitations**

(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of [title 18] *Federal criminal law* involving Government officers and employees—

\* \* \* \* \*

(b) Any information, allegation, [or complaint] *matter, or complaint witnessed, discovered, or* received in a department or agency of the executive branch of the Government relating to violations of [title 18] *Federal criminal law* involving involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, *or the witness, discoverer, or recipient, as appropriate, unless—*

\* \* \* \* \*

**CHAPTER 37—UNITED STATES MARSHALS SERVICE**

\* \* \* \* \*

**§ 561. United States Marshals Service**

(a) There is hereby established \* \* \*

\* \* \* \* \*

[(1) There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service.]

\* \* \* \* \*

**TITLE 42—THE PUBLIC HEALTH AND WELFARE**

\* \* \* \* \*

**CHAPTER 46—JUSTICE SYSTEM IMPROVEMENT**

\* \* \* \* \*

## **Subchapter XII-G—Residential Substance Abuse Treatment for State Prisoners**

### **§ 3796ff. Grant authorization**

(a) IN GENERAL.—The Attorney General \* \* \*

(b) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services to ensure that projects of substance abuse treatment and related services for State prisoners incorporate applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(c) *ADDITIONAL USE OF FUNDS.—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.*

\* \* \* \* \*

## **CHAPTER 136—Violent Crime Control and Law Enforcement**

### **Subchapter I—Prisons**

## **Part A—Violent Offender Incarceration and Truth in Sentencing Incentive Grants**

\* \* \* \* \*

### **§ 13705. Special rules**

(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

(1) RESERVATION.—Each State shall \* \* \*

(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 13703 or 13704 of this title.

[(b) ADDITIONAL REQUIREMENTS.—

[(1) ELIGIBILITY FOR GRANT.—[To be eligible to receive a grant under section 13703 or 13704 of this title, a State shall—

[(A) provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after October 21, 1998, policies that provide for the recognition of the rights of crime victims; and

[(B) subject to the limitation of paragraph (2), no later than September 1, 2000, consider a program of drug testing and intervention for appropriate categories of convicted offenders during periods of incarceration and post-incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive drug tests, consistent with guidelines issued by the Attorney General.

[(2) USE OF FUNDS.—Beginning in fiscal year 1999, not more than 10 percent of the funds provided under section 13703 or 13704 of this title may be applied to the cost of offender drug

testing and intervention programs during periods of incarceration and post-incarceration criminal justice supervision, consistent with guidelines issued by the Attorney General. Further, such funds may be used by the States to pay the costs of providing to the Attorney General a baseline study on their prison drug abuse problem. Such studies shall be consistent with guidelines issued by the Attorney General.】

(b) *USE OF TRUTH-IN-SENTENCING AND VIOLENT OFFENDER INCARCERATION GRANTS.*—Funds provided under section 20103 or 20104 may be applied to the cost of—

(1) *altering existing correctional facilities to provide separate facilities for juveniles under the jurisdiction of an adult criminal court who are detained or are serving sentences in adult prisons or jails;*

(2) *providing correctional staff who are responsible for supervising juveniles who are detained or serving sentences under the jurisdiction of an adult criminal court with orientation and ongoing training regarding the unique needs of such offenders; and*

(3) *providing ombudsmen to monitor the treatment of juveniles who are detained or serving sentences under the jurisdiction of an adult criminal court in adult facilities, consistent with guidelines issued by the Assistant Attorney General.*

\* \* \* \* \*

## **SECTION 712 OF THE ETHICS IN GOVERNMENT ACT OF 1978**

(Public Law 95–521)

### **ATTORNEY GENERAL RELIEVED OF RESPONSIBILITY**

SEC. 712. (a) \* \* \*

【(b) The Attorney General shall notify the Counsel with respect to any preceeding which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the Senate to direct the Counsel to intervene as a party in such proceeding pursuant to section 706.】

## **CRIME CONTROL ACT OF 1990**

(Public Law 101–647)

\* \* \* \* \*

## **TITLE XXV—BANKING LAW ENFORCEMENT**

\* \* \* \* \*

### **Subtitle A—Enhanced Criminal Penalties**

\* \* \* \* \*

## Subtitle H—Actions Against Persons Committing Bank Fraud Crimes

\* \* \* \* \*

### CHAPTER 1—DECLARATION PROVIDING NEW CLAIMS TO THE UNITED STATES

\* \* \* \* \*

#### SEC. 2565. RIGHTS OF DECLARANTS: PARTICIPATION IN ACTIONS, AWARDS

(a) IN GENERAL.—A person who has filed a declaration that meets the requirements of sections 2561 through 2564 shall have the rights stated in this section.

\* \* \* \* \*

(c) CRIMINAL CONVICTION.—(1) When the United States obtains a criminal conviction and the Attorney General determines that the conviction was based in whole or in part on the information contained in a valid declaration filed under section 2561, [the declarant shall have the right to receive not less than \$5,000 and not more than \$100,000, any such award to be paid from the Financial Institution Information Award Fund established under section 2569] *the Attorney General may, in his discretion, pay a reward to the declarant.*

\* \* \* \* \*

[(e) PROHIBITION OF DOUBLE AWARDS.—(1) No person shall receive both an award under this section and a reward under either section 34 of the Federal Deposit Insurance Act or section 3509A of title 18, United States Code, for providing the same or substantially similar information.

[(2) When a person qualifies for both an award under this section and a reward under either section 34 of the Federal Deposit Insurance Act or section 3509A of title 18, United States Code, for providing the same or substantially similar information, the person may notify the Attorney General in writing of the person's election to seek an award under this section or a reward under such other section.]

\* \* \* \* \*

#### [SEC. 2569. FINANCIAL INSTITUTION INFORMATION AWARD FUND.

[(a) ESTABLISHMENT.—There is established in the United States Treasury a special fund to be known as the financial Institution Information Award Fund (referred to as the “Fund”) which shall be available to the Attorney General without fiscal year limitation to pay awards to declarants pursuant to section 2565(c) and to pay special rewards pursuant to section 3059A of title 18, United States Code.

[(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such funds as are necessary to maintain the Fund at a level not to exceed \$5,000,000.]

\* \* \* \* \*

(Public Law 103–121)

## TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

### DEPARTMENT OF JUSTICE

\* \* \* \* \*

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to \* \* \*

\* \* \* \* \*

SEC. 108. Notwithstanding 31 U.S.C. 3302 or any other statute affecting the crediting of collections, the Attorney General may credit, as an offsetting collection, to the Department of Justice Working Capital Fund, for fiscal year 1994 and thereafter, up to **[three]** *six* percent of all amounts collected pursuant to civil debt collection litigation activities of the Department of Justice. Such amounts in the Working Capital Fund shall remain available until expended and shall be subject to the terms and conditions of that fund, and shall be used **[only]**, *first*, for paying the costs of processing and tracking such **[litigation.]** *litigation, and, thereafter, for financial systems, and other personnel, administrative, and litigation expenses of debt collection activities.*

\* \* \* \* \*

## ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

(Public Law 104–132)

\* \* \* \* \*

## TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT

### Subtitle A—Resources and Security

SEC. 801. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Attorney General \* \* \*

\* \* \* \* \*

[SEC. 808. COMPILATION OF STATISTICS RELATING TO INTIMIDATION  
OF GOVERNMENT EMPLOYEES.

[(a) FINDINGS.—The Congress finds that—

**[(1)** threats of violence and acts of violence against Federal, State, and local government employees and their families are increasing as the result of attempts to stop public servants from performing their lawful duties;

**[(2)** these acts are a danger to the constitutional form of government of the United States; and

**[(3)** more information is needed relating to the extent and nature of the danger to these employees and their families so

that actions can be taken to protect public servants at all levels of government in the performance of their duties.

[(b) STATISTICS.—The Attorney General shall collect data, for the calendar year 1990 and each succeeding calendar year thereafter, relating to crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties. Such data shall include—

[(1) in the case of crimes against such employees and their families, the nature of the crime; and

[(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees and their families, the deterrent effect on the performance of the jobs.

[(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of the data under subsection (b), including a definition of the sufficiency of evidence of noncriminal incidents required to be reported.

[(d) USE OF DATA.—

[(1) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data collected under this section.

[(2) USE OF DATA.—Except with respect to the summary published under paragraph (1), data collected under this section shall be used only for research and statistical purposes.

[(e) EXEMPTION.—The Attorney General, the Secretary of State, and the United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threat made against any individual for whom that official or Service is authorized to provide protection.】

\* \* \* \* \*

## DEPARTMENT OF JUSTICE APPROPRIATIONS ACT, 1999

(Public Law 105–277)

\* \* \* \* \*

### TITLE I—DEPARTMENT OF JUSTICE

\* \* \* \* \*

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

\* \* \* \* \*

SEC. 112. Notwithstanding any other provision of law, during [fiscal year 1999, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—] *any fiscal year the Attorney General—*

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements, and contracts made, or entered into, for the Office

of Justice Programs and the component organizations of that Office.

\* \* \* \* \*

## LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

(Public Law 106–57)

\* \* \* \* \*

### TITLE I—CONGRESSIONAL OPERATIONS

\* \* \* \* \*

#### HOUSE OF REPRESENTATIVES

\* \* \* \* \*

#### ADMINISTRATIVE PROVISIONS

SEC. 101. (A) COMPLIANCE WITH ADMISSION REQUIREMENTS.—The General Counsel \* \* \*

[(b) NOTIFICATION BY ATTORNEY GENERAL.—The Attorney General shall notify the General Counsel of the House of Representatives with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the House to direct the General Counsel to intervene as a party in such proceeding pursuant to applicable rules of the House of Representatives.]

\* \* \* \* \*

## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

### TITLE I—JUSTICE SYSTEM IMPROVEMENT

\* \* \* \* \*

#### PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

\* \* \* \* \*

#### Subpart 1—Drug Control and System Improvement Grant Program

\* \* \* \* \*

#### GRANT LIMITATIONS

SEC. 504. (a) A grant made under this subparts may not—

(1) for fiscal year 1991 appropriations be expended for more than 75 per centum; and

(2) for any subsequently fiscal year appropriations be expended for more than 75 per centum;

of the cost of the identified uses for which such grant is received to carry out any purpose specified in section [502] 501(b), except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

\* \* \* \* \*

#### ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

SEC. 506. (a) Subjects to subsection (f), of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

(1) 0.4 percent shall be allocated to each of the [participating] States; and

\* \* \* \* \*

### Subpart 2—Discretionary Grants

## CHAPTER A—GRANTS TO PUBLIC AND PRIVATE ENTITIES

#### PURPOSES

SEC. 510. (a) the purpose of this chapter is to provide additional Federal financial assistance to public or private agencies and private nonprofit organizations for purposes of—

(1) \* \* \*

\* \* \* \* \*

(3) undertaking projects which are national or multijurisdictional in scope and which address the purposes specified in section [502] 502(b); and

\* \* \* \* \*

(d) *No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity.*

\* \* \* \* \*

#### ALLOCATION OF FUNDS FOR GRANTS

SEC. 511. Of the total amount appropriated for this part (other than chapter B of this subpart) in any fiscal year, 20 percent or \$50,000,000, whichever is less, shall be reserved and set aside for this section in a special discretionary fund for use by the Director in carrying out the purposes specified in section [503] 501(b). Grants under this section may be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved application.

\* \* \* \* \*